IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 13698 of 2006

Date of Decision: September 1, 2006

Neelam

…..Petitioner

Vs.

State of Haryana and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Ms. Promila Nain, Advocate,
for the petitioner.

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M.M. KUMAR, J. (ORAL)

For the relief claimed by the petitioner, no representation has been made raising the argument that the order dated July 13, 2006 (P-3) cannot be applied to those inter-District transfers which have already been operated and persons like petitioner have joined. The petitioner is relegated to the remedy of filing a representation to the Director, Elementary Education, Haryana, Chandigarh to consider her case sympathetically and to clarify as to whether the order dated July 13, 2006 (P-3) would operate retrospectively or it would only have affect on the transfers to be made after

the issuance of that order. A representation by the petitioner shall be made within two weeks from today under registered A.D. If the needful is done within two weeks, the petitioner shall not be relieved from her present place of posting for two weeks and if the representation is made then till the date of decision on the representation. The Director, Elementary Education, Haryana, shall decide the representation, if any, made by the petitioner within two weeks thereafter. However, if the decision goes against the petitioner then the same shall not be given effect to for further one week.

Learned counsel for the petitioner has prayed that similarly situated persons who had earlier filed various writ petitions are not being permitted to join in pursuance to the transfer orders passed before issuance of order dated 13.7.2006. We make it clear that the respondent shall not cause any obstruction in the joining of the petitioner and if any obstruction is caused, the petitioner as well as others who have filed similar petitions, would be entitled to move an appropriate application. We also make it clear that any violation of our directions, shall be seriously viewed and this may convey to the Secretary, Department of Education, Haryana Civil Secretariat, Chandigarh, the Director Primary Education, 30 Bays Building, Sector 17, Chandigarh, who shall ensure that all the District and Primary Education Officers obey the orders passed by this Court.

Disposed of in the above terms.

(M.M.KUMAR)
JUDGE

September 1, 2006 (M.M.S.BEDI)
sanjay JUDGE